

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Ultra PRO International, LLC,)	Case No.: 24-cv-07259
)	
Plaintiff,)	
v.)	Judge: Hon. LaShonda A. Hunt
)	
Defendants Identified in Schedule A,)	
)	
Defendants.)	Magistrate: Hon. Jeffrey Cole
)	

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S MOTION AN EXPEDITED
DISCOVERY ORDER**

I. INTRODUCTION

Plaintiff Ultra Pro International, LLC (“Plaintiff”) brings this action against Defendants, as identified in Schedule A to the Complaint (collectively, the “Defendants”) for trademark infringement. Plaintiff respectfully requests that this Court issue an order for expedited discovery allowing Plaintiff to inspect and copy Defendants’ records relating to the manufacture, distribution, offer for sale and sale of infringing Plaintiff products and Defendants' registration contact information held by third-party service providers.

II. PLAINTIFF IS ENTITLED TO EXPEDITED DISCOVERY

The United States Supreme Court has held that “federal courts have the power to order, at their discretion, the discovery of facts necessary to ascertain their competency to entertain the merits.” *Vance v. Rumsfeld*, No. 1:06-cv-06964, 2007 WL 4557812, *6 (N.D. Ill. Dec. 21, 2007) (quoting *Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 351, 98 S.Ct. 2380 (1978)). A district court has wide latitude in determining whether to grant a party’s request for discovery. *Id.* (citation omitted). Furthermore, courts have broad power over discovery and may permit

discovery in order to aid in the identification of unknown defendants. *See* FED. R. CIV. P. 26(b)(2); *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980).

Plaintiff respectfully requests an *ex parte* Order allowing expedited discovery to discover the true identities of the Defendants and the extent of their infringing activity. The discovery requested on an expedited basis in Plaintiff's Proposed Order has been limited to include only that which is essential to furthering the case. Plaintiff is requesting expedited discovery so that Plaintiff can learn the contact information and identities of the Defendants so that Plaintiff can effectuate service of process on the Defendants.

Under Federal Rule of Civil Procedure 65(d)(2)(C), this Court has the power to bind any third parties who are in active concert with the Defendants that are given notice of the order to provide expedited discovery in this action. Fed. R. Civ. P. 65. Plaintiff is not aware of any reason that Defendants or third parties can not comply with these expedited discovery requests without undue burden. Accordingly, Plaintiff respectfully requests that the expedited discovery be granted.

III. CONCLUSION

Based upon the foregoing, the Plaintiff respectfully requests an order for expedited discovery allowing the Plaintiff to inspect and copy Defendants' records and materials relating to the infringement, including those held by third-parties.

Dated: August 19, 2024

Respectfully Submitted,

By: /s/ Kevin Keener

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